

Docket No.: 2328-023RI

Serial No. 09/534,814

REMARKS

Applicant notes the allowance of claims 1-38 and the rejection of claims 39-58 as containing new matter. Applicant also notes that the previous rejection of claims 39-58 as being obvious as a result of Hama et al. has been dropped.

Applicant, in the last response and in the Declaration of Roger Patrick, has shown why one of ordinary skill in the art would know from the drawing accompanying the parent application, as filed, why the application as filed enables one of ordinary skill in the art to realize that the application includes the subject matter defined by claims 39-58. In particular, Dr. Patrick has testified that those of ordinary skill in the art in 1994 would have known the interior portion of the coil illustrated in Figure 4 or 5 of the application (inside of circle B of Exhibit A accompanying the Patrick Declaration) produces magnetic flux having greater density than is produced by the intermediate portion of the coil, between circles A and B of Figures 4 and 5. The greater flux density occurs in response to switch S1 of Figure 4 being open and switch S2 of Figure 5 being connected to the outer terminal of coil portion 52. Dr. Patrick also testified that those of ordinary skill would have known the exterior portion of the coil of Figure 4 or 5, beyond circle A, produces magnetic flux having greater density than the intermediate portion under the described conditions. He also testified that those of ordinary skill in the art would have known the amount of magnetic flux produced by a particular coil arrangement is directly related to the number of turns of the coil arrangement and the amount of current flowing through the coil. Dr. Patrick also said those of ordinary skill in the art would have known that when the coils of

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Figures 4 and 5 are connected as described, the interior, intermediate and exterior portions of the coils are connected in series so that the current which flows from a terminal at the interior of the coil to a terminal at the exterior of the coil has only one path. Dr. Patrick also testified that those of ordinary skill in the art would have known the interior and peripheral portions of the coil of Figures 4 and 5 of the application, when connected as previously stated, includes (1) plural radially and circumferentially extending turns and (2) that the intermediate portion of the coils of Figures 4 and 5, between the interior and peripheral portions thereof, does not include a complete turn and includes a lead having a straight portion. He also said those of ordinary skill would have known the coils couple RF fields to the plasma and the coils produce RF magnetic fields, as well as RF electric fields that are coupled from one portion of the coil into the plasma and back to another portion of the coil. Dr. Patrick has given cogent reasons for his conclusions based on the facts set forth in his Declaration.

The Examiner is reminded that an applicant may show possession of an invention by disclosure of drawings that are sufficiently detailed to show the applicant was in possession of the claimed invention as a whole. See MPEP Section 2163 and the decisions cited therein, namely *Vas-Cath Inc. v. Mahurkar*, 935 F.2d at 1565, 19 U.S.P.Q. 2d at 118; *In re Wolfensperger* 302 F.2d 950, 133 U.S.P.Q. 537 (CCPA 1962); *Autogiro Company of America v. United States*, 384 F.2d 391,398, 155 U.S.P.Q. 697, 703 (Court of Claims 1967). The *Vas-Cath* decision states: "Drawings alone may provide a 'written description' of an invention as required by Section 112." The *Wolfensperger* decision says the drawings of applicant's specification provided specific written descriptive support for the claim limitation at issue. The *Autogiro* case

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stated: "In those instances where a visual representation can flush out words, drawings may be used in the same manner and with the same limitations as the specification." In the present case, attorney for applicant and the Patrick Declaration have indicated how the drawings of the present application provide a basis for the limitations of claims 39-58. The Examiner has not offered any rebuttal evidence or comments with regard to these arguments and the evidence included in the Patrick Declaration.

The Examiner argues that the coil specifics, such as the planar relation of one turn of the coil to another and the spatial and planar locations of one coil portion to another have not been disclosed. However, the claims do not recite a planar relationship between the coils. The drawings provide a basis for the claimed subject matter, as discussed in the Patrick Declaration. Attorney for applicant also notes that the claims say nothing about a more uniform etching result. However, such a more uniform etching result is inherent in the claimed configuration.

In response to the Examiner's comments regarding the Hama et al. reference, applicant notes that the coil in the Hama et al. reference is considerably different from the coil of the present application. In the Hama et al. coil, the pitch of the coil is constant. Applicant has demonstrated why the pitch of the coil of the present application is less in the intermediate portion than in the peripheral and outer coil portions.

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In view of the foregoing Remarks, favorable consideration and allowance are respectfully requested and deemed in order.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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